

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RONALD JAMES MACNAB,

Plaintiff,

Case No.: 04-CV-40291-FL

vs.

HON. PAUL V. GADOLA
MAG. JUDGE WALLACE CAPEL, JR.

COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

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REPORT AND RECOMMENDATION

Before the court is “Plaintiff’s Motion to Dismiss Last Reapplication,” filed May 22, 2006, in the Eastern District of Michigan. As Defendant points out, “Plaintiff has failed to state any cognizable basis for challenging any Agency action, and . . . he has no “reapplication” pending before this Court.” See Defendant’s Response to Plaintiff’s “Motion to Dismiss Last Reapplication,” filed August 3, 2006. Plaintiff’s case was remanded on May 18, 2005, by United States District Court Judge Paul V. Gadola. There are no matters currently pending before the Court to be adjudicated.

Thus, it is respectfully recommended that Plaintiff’s Motion be **DISMISSED AS MOOT**.

Pursuant to Fed. R. Civ. P. 72(b) and 28 U.S.C. § 636(b)(1), the parties are hereby notified that within ten days after being served with a copy of the recommendation, they may serve and file specific, written objections. The parties are further informed that failure to timely file objections may constitute a waiver of any further right of appeal to the United States Court of Appeals. United States v. Walters, 638 F.2d 947 (6th Cir. 1981).

In accordance with the provisions of Fed. R. Civ. P. 6(b), the court in its discretion, may enlarge the period of time in which to file objections to this report.

s/Wallace Capel, Jr.

WALLACE CAPEL, JR.

UNITED STATES MAGISTRATE JUDGE

Dated: August 29, 2006

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN**

CERTIFICATE OF SERVICE

I hereby certify that on August 29, 2006, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following: Janet L. Parker,

and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participant(s): Social Security Administration, Office of the Regional Counsel, 200 W. Adams Street, 30th Floor, Chicago, Illinois 60606, Ronald James MacNab, 768 Cleveland, Lincoln Park, MI 48146.

s/James P. Peltier
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